417

NOTIFICATION.

Order No. P. 263—Legis. 5-30-10, dated Bangalore, 14th July 1933.

Ordered that the accompanying Regulation to amend the Law relating to the Protection of Copyright in Mysore which received the assent of His Highness the Maharaja, on the third day of July 1933, be published as Regulation No. XI of 1933, in the *Mysore Gazette* for general information.

S. N. APPANNA IYENGAR,
Secretary to Government,
General Department.

REGULATION XI OF 1933.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 3RD DAY OF JULY 1933.)

Regulation to amend the law relating to the Protection of Copyright in Mysore.

Whereas it is expedient to amend the law relating to the protection of copyright in Mysore, it is hereby enacted as follows:—

1. (1) This Regulation may be called the Mysore Copyright Regulation, 1933.

(2) It shall extend to the whole of Mysore.

2. (1) In this Regulation unless the context otherwise requires,— Interpretation.

"Literary work" includes maps, charts, plans, tables and compilations;

"Dramatic work" includes any piece for recitation, choregraphic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise, and any cinematograph production where the arrangement or acting form or the combination of incidents represented give the work an original character;

"Artistic work" includes works of painting, drawing, sculpture and artistic craftsmanship, and architectural works of art and engravings and photographs;

"Work of sculpture" includes casts and models;

"Architectural work of art" means any building or structure having an artistic character or design, in respect of such character or design, or any model for such building or structure, provided that the protection afforded by this Regulation shall be confined to the artistic character and design, and shall not extend to processes or methods of construction;

"Engravings" include etchings, lithographs, woodcuts, prints and other similar works, not being photographs;

"Photograph" includes photo-lithograph and any work produced by any process analogous to photography;

"Cinematograph" includes any work produced by any process analogous to cinematography;

"Collective work" means.—

(*a*) an encyclopædia, dictionary, year book, or similar work;

(*b*) a newspaper, review, magazine, or similar periodical; and

(*c*) any work written in distinct parts by different authors, or in which works or parts of works of different authors are incorporated;

"Infringing," when applied to a copy of a work in which copyright subsists, means any copy, including any colourable imitation, made or imported in contravention of the provisions of this Regulation;

"Performance" means any acoustic representation of a work and any visual representation of any dramatic action in a work, including such a representation made by means of any mechanical instrument;

"Delivery," in relation to a lecture, includes delivery by means of any mechanical instrument;

"Plate" includes any stereotype or other plate, stone, block, mould, matrix, transfer, or negative used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records, perforated rolls or other contrivances for the acoustic representation of the work are or are intended to be made;

"Lecture" includes address, speech and sermon;

(2) For the purposes of this Regulation (other than those relating to infringements of copyright), a work shall not be deemed to be published or performed in public, and a lecture shall not be deemed to be delivered in public, if published, performed in public, or delivered in public, without the consent or acquiescence of the author, his executors, administrators or assigns.

(3) For the purposes of this Regulation, a work shall be deemed to be first published within Mysore notwithstanding that it has been published simultaneously in some other place, unless the publication in Mysore is colourable only and is not intended to satisfy the reasonable requirements of the public, and a work shall be deemed to be published simultaneously in two places, if the time between the publication in one such place and the publication in the other place does not exceed fourteen days, or such longer period as may, for the time being, be notified by the Government in the Official Gazette.

(4) Where in the case of an unpublished work, the making of a work has extended over a considerable period, the conditions of this Regulation conferring copyright shall be deemed to have been complied with, if the author was, during any substantial part of that period, a subject of Mysore or a resident within Mysore.

(5) In the application of this Regulation to musical works, the authors whereof were at the time of the making of the works resident in Mysore, or to musical works first published in Mysore, the term "musical work" shall, save as otherwise expressly provided by this Regulation, mean any combination of melody and harmony, or either of them, which has been reduced to writing.

(6) For the purposes of the provisions of this Regulation as to residence, an author of a work shall be deemed to be a resident in Mysore if he is domiciled within Mysore.

CHAPTER I.

Copyright.

General Provisions.

Copyright.

3. (1) Subject to the provisions of this Regulation, copyright shall subsist throughout Mysore for the term hereinafter mentioned in every original literary, dramatic, musical and artistic work, if—

(*a*) in the case of a published work, the work was first published within Mysore and the author thereof was at the date of publication a subject of Mysore or resident within Mysore; and

(*b*) in the case of an unpublished work, the author was at the date of the making of the work a subject of Mysore or resident within Mysore,

but in no other works.

(2) For the purposes of this Regulation, "copyright" means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever, to perform, or in the case of a lecture to deliver, the work or any substantial part thereof in public; if the work is unpublished, to publish the work or any substantial part thereof; and shall include the sole right—

(*a*) to produce, reproduce, perform, or publish any translation of the work;

(*b*) in the case of a dramatic work, to convert it into a novel or other non-dramatic work;

(*c*) in the case of a novel or other non-dramatic work, or of an artistic work, to convert it into a dramatic work, by way of performance in public or otherwise;

(*d*) in the case of a literary, dramatic or musical work, to make any record, perforated roll, cinematograph film, or other contrivance by means of which the work may be mechanically performed or delivered;

and to authorise any such acts as aforesaid.

(3) For the purposes of this Regulation, publication, in relation to any work, means the issue of copies of the work to the public, and does not include the performance in public of a dramatic or musical work, the delivery in public of a lecture, the exhibition in public of an artistic work, or the construction of an architectural work of art, but, for the purposes of this provision, the issue of photographs and engravings of works of sculpture and architectural works of art shall not be deemed to be publication of such works.

Infringement of copyright.

4. (1) Copyright in a work shall be deemed to be infringed by any person who, without the consent of the owner of the copyright, does anything the sole right to do which is by this Regulation conferred on the owner of the copyright: Provided that the following acts shall not constitute an infringement of copyright:—

(i) Any fair dealing with any work for the purposes of private study, research, criticism, review or newspaper summary;

(ii) Where the author of an artistic work is not the owner of the copyright therein, the use by the author of any mould, cast, sketch, plan, model, or study made by him for the purpose of the work, provided that he does not thereby repeat or imitate the main design of that work;

(iii) The making or publishing of paintings, drawings, engravings, or photographs of a work of sculpture or artistic craftsmanship, if permanently situate in a public place or building or the making or publishing of paintings, drawings, engravings or photographs (which are not in the nature of architectural drawings or plans) of any architectural work of art;

(iv) The publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for the use of schools and so described in the title and in any advertisements issued by the publisher, of short passages from published literary works not themselves published for the use of schools in which copyright subsists; provided that not more than two of such passages from works by the same author are published by the same publisher within five years, and that the source from which such passages are taken is acknowledged.

(v) The publication in a newspaper of a report of a lecture delivered in public, unless the report is prohibited

by conspicuous written or printed notice affixed before and maintained during the lecture at or about the main entrance of the building in which the lecture is given, and, except whilst the building is being used for public worship, in a position near the lecturer; but nothing in this paragraph shall affect the provisons in paragraph (i) as to newspaper summaries.

(vi) The reading or recitation in public by one person of any reasonable extract from any published work.

(2) Copyright in a work shall also be deemed to be infringed by any person who—

(*a*) sells or lets for hire, or by way of trade, exposes or offers for sale or hire, or

(*b*) distributes either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright, or

(*c*) by way of trade exhibits in public, or

(*d*) imports for sale or hire into Mysore,

any work which to his knowledge infringes copyright or would infringe copyright if it had been made within Mysore.

(3) Copyright in a work shall also be deemed to be infringed by any person who for his private profit permits a theatre or other place of entertainment to be used for the performance in public of the work without the consent of the owner of the copyright, unless he was not aware, and had no reasonable ground for suspecting, that the performance would be an infringement of copyright.

Term of copyright.

5. The term for which copyright shall subsist shall, except as otherwise expressly provided by this Regulation, be the life of the author and a period of fifty years after his death:

Provided that at any time after the expiration of twenty-five years, or in the case of a work in which copyright subsists at the passing of this Regulation thirty years, from the death of the author of a published work, copyright in the work shall not be deemed to be infringed by the reproduction of the work for sale if the person reproducing the work proves that he has given the prescribed notice in writing of his intention to reproduce the work and that he has paid in the prescribed manner to, or for the benefit of, the owner of the copyright royalties in respect of all copies of the work sold by him calculated

at the rate of ten per cent on the price at which he publishes the work; and for the purposes of this proviso, the Government may make rules prescribing the mode in which notices are to be given, and the particulars to be given in such notices, and the mode, time, and frequency of the payment of royalties, including (if the Government thinks fit) rules requiring payment in advance or otherwise securing the payment of royalties.

Compulsory licenses.

6. If, at any time after the death of the author of a literary, dramatic or musical work which has been published or performed in public, a complaint is made to the High Court that the owner of the copyright in the work has refused to republish or to allow the republication of the work or has refused to allow the performance in public of the work, and that by reason of such refusal the work is withheld from the public, the owner of the copyright may be ordered to grant a license to reproduce the work or perform the work in public, as the case may be, on such terms and subject to such conditions as the High Court may think fit.

Ownership of copyright, etc.

7. (1) Subject to the provisions of this Regulation, the author of a work shall be the first owner of the copyright therein :

Provided that—

(*a*) where, in the case of an engraving, photograph, or portrait, the plate or other original was ordered by some other person and was made for valuable consideration in pursuance of that order, then, in the absence of any agreement to the contrary, the person by whom such plate or other original was ordered shall be the first owner of the copyright ;

(*b*) where the author was in the employment of some other person under a contract of service or apprenticeship and the work was made in the course of his employment by that person, the person by whom the author was employed shall, in the absence of any agreement to the contrary, be the first owner of the copyright, but where the work is an article or other contribution to a newspaper, magazine, or similar periodical, there shall, in the absence of any agreement to the contrary, be deemed to be reserved to the author a right to restrain the publication of the work, otherwise than as part of a newspaper, magazine, or similar periodical.

(2) The owner of the copyright in any work may assign the right, either wholly or partially, and either for the whole term of the copyright or for any part thereof, and may grant any interest in the right by license, but no such assignment or grant shall be valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made, or by his duly authorised agent:

Provided that, where the author of a work is the first owner of the copyright therein, no assignment of the copyright, and no grant of any interest therein, made by him (otherwise than by will) after the passing of this Regulation shall be operative to vest in the assignee or grantee any rights with respect to the copyright in the work beyond the expiration of twenty-five years from the death of the author, and the reversionary interest in the copyright expectant on the termination of that period shall, on the death of the author, notwithstanding any agreement to the contrary, devolve on his legal representatives as part of his estate, and any agreement entered into by him as to the disposition of such reversionary interest shall be null and void, but nothing in this proviso shall be construed as applying to the assignment of the copyright in a collective work or a license to publish a work or part of a work as part of a collective work.

(3) Where, under any partial assignment of copyright, the assignee becomes entitled to any right comprised in copyright, the assignee, as respects the rights so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Regulation as the owner of the copyright, and the provisions of this Regulation shall have effect accordingly.

Special provisions as to certain works.

Works of joint authors.

8. (1) In the case of a work of joint authorship, copyright shall subsist during the life of the author who first dies and for a term of fifty years after his death, or during the life of the author who dies last, whichever period is the longer, and references in this Regulation to the period after the expiration of any specified number of years from the death of the author shall be construed as references to the period after the expiration of the like number of years from the death of the author who dies first or after the death of the author who dies last;

whichever period may be the shorter, and in the provisions of this Regulation with respect to the grant of compulsory licenses a reference to the date of the death of the author who dies last shall be substituted for the reference to the date of the death of the author.

(2) Where, in the case of a work of joint authorship, some one or more of the joint authors do not satisfy the conditions conferring copyright laid down by this Regulation, the work shall be treated for the purposes of this Regulation as if the other author or authors had been the sole author or authors thereof:

Provided that the term of the copyright shall be the same as it would have been if all the authors had satisfied such conditions as aforesaid.

(3) For the purposes of this Regulation "a work of joint authorship" means a work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors.

(4) Where a married woman and her husband are joint authors of a work, the interest of such married woman therein shall be her separate property.

Posthumous works.

9. (1) In the case of a literary, dramatic or musical work, or an engraving, in which copyright subsists at the date of the death of the author or in the case of a work of joint authorship at or immediately before the date of the death of the author who dies last, but which has not been published, nor, in the case of a dramatic or musical work, been performed in public, nor, in the case of a lecture, been delivered in public, before that date, copyright shall subsist till publication, or performance or delivery in public, whichever may first happen, and for a term of fifty years thereafter, and the proviso to section 5 of this Regulation shall, in the case of such a work, apply as if the author had died at the date of such publication or performance or delivery in public as aforesaid.

(2) The ownership of an author's manuscript after his death, where such ownership has been acquired under a testamentary disposition made by the author and the manuscript is of a work which has not been published nor performed in public nor delivered in public, shall be *prima facie* proof of the copyright being with the owner of the manuscript.

Provisions as to Government publications.

10. Where any work has, whether before or after the commencement of this Regulation, been prepared or published by or under the direction or control of the Government of His Highness the Maharaja or any Government department, the copyright in the work shall, subject to any agreement with the author, belong to the Government of His Highness and in such case, shall continue for a period of fifty years from the date of the first publication of the work.

Provisions as to mechanical instruments.

11. (1) Copyright shall subsist in records, perforated rolls, and other contrivances by means of which sounds may be mechanically reproduced, in like manner as if such contrivances were musical works, but the term of copyright shall be fifty years from the making of the original plate from which the contrivance was directly or indirectly derived, and the person who was the owner of such original plate at the time when such plate was made shall be deemed to be the author of the work, and, where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Regulation to reside within Mysore if it has established a place of business in Mysore.

(2) It shall not be deemed to be an infringement of copyright in any musical work for any person to make, within Mysore records, perforated rolls or other contrivances by means of which the work may be mechanically performed, if such person proves—

(*a*) that such contrivances have previously been made by, or with the consent or acquiescence of the owner of the copyright in the work; and

(*b*) that he has given the prescribed notice of his intention to make the contrivances, and has paid in the prescribed manner to, or for the benefit of, the owner of the copyright in the work royalties in respect of all such contrivances sold by him, calculated at the rate hereinafter mentioned:

Provided that—

(i) nothing in this provision shall authorise any alterations in, or omissions from the work reproduced, unless contrivances reproducing the work subject to similar alterations and omissions have been previously made by, or with the consent or acquiescence of, the owner of the copyright, or unless such alterations or omissions are

reasonably necessary for the adaptation of the work to the contrivances in question; and

(ii) for the purposes of this provision, a musical work shall be deemed to include any words so closely associated therewith as to form part of the same work, but shall not be deemed to include a contrivance by means of which, sounds may be mechanically reproduced.

(3) The rate at which such royalties as aforesaid are to be calculated shall—

(*a*) in the case of contrivances sold within two years after the commencement of this Regulation by the person making the same, be two and one half per cent, and

(*b*) in the case of contrivances sold as aforesaid after the expiration of that period, be five per cent, on the ordinary retail selling price of the contrivance calculated in the prescribed manner, so however that the royalty payable in respect of a contrivance shall, in no case, be less than half-an anna for each separate musical work in which copyright subsists reproduced thereon, and, where the royalty calculated as aforesaid includes a fraction of three pies, such fraction shall be reckoned as three pies:

Provided that, if, at any time after the expiration of seven years from the commencement of this Regulation, it appears to the Government that such rate as aforesaid is no longer equitable, the Government may, after holding an inquiry, make an order either decreasing or increasing that rate to such extent as under the circumstances may seem just; but, where an order revising the rate has been so made no further revision shall be made before the expiration of fourteen years from the date of the last revision.

(4) If any such contrivance is made reproducing two or more different works in which copyright subsists and the owners of the copyright therein are different persons, the sums payable by way of royalties under this section shall be apportioned amongst the several owners of the copyright in such proportions as, failing agreement, may be determined by arbitration.

(5) When any such contrivances by means of which a musical work may be mechanically performed have been made, then, for the purposes of this section, the owner of the copyright in the work shall, in relation to any person who makes the prescribed inquiries, be deemed

to have given his consent to the making of such contrivances if he fails to reply to such inquiries within the prescribed time.

(6) For the purposes of this section, the Government may make rules prescribing anything which under this section is to be prescribed, and prescribing the mode in which notices are to be given and the particulars to be given in such notices, and the mode, time and frequency of the payment of royalties, and any such rules may, if the Government thinks fit, include rules requiring the payment in advance or otherwise securing the payment of royalties.

(7) In the case of musical works published before the commencement of this Regulation, the foregoing provisions shall have effect, subject to the following modifications and additions :—

(*a*) The conditions as to the previous making by, or with the consent or acquiescence of, the owner of the copyright in the work, and the restrictions as to alterations in or omissions from the work shall not apply ;

(*b*) The rate of two and one-half per cent shall be substituted for the rate of five per cent as the rate at which royalties are to be calculated ;

(*c*) Notwithstanding any assignment made before the passing of this Regulation of the copyright in a musical work, any rights conferred by this Regulation in respect of the making, or authorising the making of contrivances by means of which the work may be mechanically performed shall belong to the author or his legal representatives and not to the assignees, and the royalties aforesaid shall be payable to, and for the benefit of, the author of the work or his legal representatives ;

(*d*) The saving contained in this Regulation of the rights and interests arising from, or in connection with, action taken before the commencement of this Regulation, shall not be construed as authorising any person who has made contrivances by means of which the work may be mechanically performed to sell any such contrivances, whether made before or after the passing of this Regulation except on the terms and subject to the conditions laid down in this section ;

(*e*) Where the work is a work on which copyright is conferred by a notification relating to a foreign country, the copyright so conferred shall not, except to such extent

as may be provided by the notification, include any rights with respect to the making of records, perforated rolls or other contrivances by means of which the work may be mechanically performed.

(8) Notwithstanding anything in this Regulation where a record, perforated roll, or other contrivance by means of which sounds may be mechanically reproduced has been made before the commencement of this Regulation, copyright shall, as from the commencement of this Regulation, subsist therein in like manner and for the like term as if this Regulation had been in force at the date of the making of the original plate from which the contrivance was directly or indirectly derived:

Provided that—

(i) the person who, at the commencement of this Regulation, is the owner of such original plate shall be the first owner of such copyright; and

(ii) nothing in this provision shall be construed as conferring copyright in any such contrivance if the making thereof would have infringed copyright in some other such contrivance, if this provision had been in force at the time of the making of the first-mentioned contrivance.

Provision as to political speeches.

12. Notwithstanding anything in this Regulation, it shall not be an infringement of copyright in an address of a political nature delivered at a public meeting to publish a report thereof in a newspaper.

Modification of copyright as regards translation of works first published in Mysore.

13. (1) In the case of works first published in Mysore copyright shall be subject to this limitation that the sole right to produce, reproduce, perform or publish a translation of the work shall subsist only for a period of ten years from the date of the first publication of the work:

Provided that if within the said period the author, or any person to whom he has granted permission so to do, publishes a translation of any such work in any language, copyright in such work as regards the sole right to produce, reproduce, perform or publish a translation in that language shall not be subject to the limitation prescribed in this sub-section.

(2) For the purposes of sub-section (1), the expression "author" includes the legal representative of a deceased author.

Provision as to photographs.

14. The term for which copyright shall subsist in photographs shall be fifty years from the making of the

original negative from which the photograph was directly or indirectly derived and the person who was owner of such negative at the time when such negative was made shall be deemed to be the author of the work, and where such owner is a body corporate, the body corporate shall be deemed for the purposes of this Regulation to reside within Mysore if it has established a place of business in Mysore.

Provisions as to designs registrable under Patents and Designs Regulation, 1925.

15. (1) This Regulation shall not apply to designs capable of being registered under the Patents and Designs Regulation, 1925, except designs which, though capable of being so registered, are not used or intended to be used as models or patterns to be multiplied by any industrial process.

(2) General rules under section 73 of the Patents and Designs Regulation, 1925, may be made for determining the conditions under which a design shall be deemed to be used for such purposes as aforesaid.

Existing works.

16. (1) Where any person is immediately before the commencement of this Regulation entitled to copyright in any work or to any interest in such a right, he shall, as from that date, be entitled to copyright as defined by this Regulation or to the same interest in such right under this Regulation and such substituted right shall subsist for the term for which it would have subsisted if this Regulation had been in force at the date when the work was made and the work had been one entitled to copyright thereunder.

Provided that—

(*a*) if the author of any work in which any such right as aforesaid subsists at the commencement of this Regulation has, before that date, assigned the right or granted any interest therein for the whole term of the right, then at the date when, but for the passing of this Regulation the right would have expired, the substituted right conferred by this section shall, in the absence of express agreement, pass to the author of the work, and any interest therein created before the commencement of this Regulation and then subsisting shall determine; but the person who immediately before the date at which the right would so have expired was the owner of the right or interest shall be entitled at his option either—

(i) on giving such notice as hereinafter mentioned, to an assignment of the right or the grant of a similar

interest therein for the remainder of the term of the right for such consideration as, failing agreement, may be determined by arbitration, or

(ii) without any such assignment or grant to continue to reproduce or perform the work in like manner as theretofore subject to the payment, if demanded by the author within three years after the date at which the right would have so expired, of such royalties to the author as, failing agreement, may be determined by arbitration, or where the work is incorporated in a collective work and the owner of the right or interest is the proprietor of that collective work, without any such payment.

The notice above referred to must be given not more than one year nor less than six months before the date at which the right would have so expired, and must be sent by registered post to the author, or, if he cannot with reasonable diligence be found, advertised in the Official Gazette and in two newspapers published in Mysore.

(*b*) where any person has, before the date of the passing of this Regulation taken any action whereby he has incurred any expenditure or liability in connection with the reproduction or performance of any work in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the passing of this Regulation, have been lawful, nothing in this section shall diminish or prejudice any rights or interest arising from or in connection with such action which are subsisting and valuable at the said date, unless the person who by virtue of this section becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

(2) For the purposes of this section, the expression "author" includes the legal representatives of a deceased author.

CHAPTER II.

Civil Remedies.

Civil remedie for infringement of copy right.

17. (1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Regulation, be entitled to all

such remedies by way of injunction, damages, accounts, and otherwise, as are or may be conferred by law for the infringement of a right.

(2) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the absolute discretion of the Court.

(3) In any action for infringement of copyright in any work, the work shall be presumed to be a work in which copyright subsists and the plaintiff shall be presumed to be the owner of the copyright, unless the defendant puts in issue the existence of the copyright, or, as the case may be, the title of the plaintiff, and where any such question is in issue, then—

(*a*) if a name purporting to be that of the author of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the author of the work;

(*b*) if no name is so printed or indicated, or if the name so printed or indicated, is not the author's true name or the name by which he is commonly known, and a name purporting to be that of the publisher or proprietor of the work is printed or otherwise indicated thereon in the usual manner, the person whose name is so printed or indicated shall, unless the contrary is proved, be presumed to be the owner of the copyright in the work for the purposes of proceedings in respect of the infringement of copyright therein.

Rights of owner against persons possessing or dealing with infringing copies, etc.

18. All infringing copies of any work in which copyright subsists, or of any substantial part thereof, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of the possession thereof or in respect of the conversion thereof.

Exemption of innocent infringer from liability to pay damages, etc.

19. Where proceedings are taken in respect of the infringement of the copyright in any work and the defendant in his defence alleges that he was not aware of the existence of the copyright in the work, the plaintiff shall not be entitled to any remedy other than an injunction in respect of the infringement if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for suspecting, that copyright subsisted in the work.

Restriction on remedies in the case of architecture.

20. (1) Where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction to restrain the construction of such building or structure or to order its demolition.

(2) Such of the other provisions of this Regulation as provide that an infringing copy of a work shall be deemed to be the property of the owner of the copyright, or as impose penalties, shall not apply in any case to which this section applies.

Limitation of actions.

21. An action in respect of infringement of copyright shall not be commenced after the expiration of three years next after the infringement.

Courts having civil jurisdiction regarding infringement of copyright.

22. Every suit or other civil proceeding regarding infringement of copyright shall be instituted and tried in the Court of the District Judge.

Effect of non-registration under Act XX of 1847.

23. No suit or other civil proceeding instituted after the passing of this Regulation regarding infringement of copyright in any book the author whereof was at the time of making the book resident in Mysore or of any book first published in Mysore, shall be dismissed by reason only that the registration of such book had not been effected in accordance with the provisions of the Indian Copyright Act, 1847, as then in force in Mysore.

CHAPTER III.

Penalties.

Offences in respect of infringing copies.

24. If any person knowingly :—

(*a*) makes for sale or hire any infringing copy of a work in which copyright subsists; or

(*b*) sells or lets for hire, or by way of trade exposes or offers for sale or hire, any infringing copy of any such work; or

(*c*) distributes infringing copies of any such work, either for the purposes of trade or to such an extent as to affect prejudicially the owner of the copyright; or

(*d*) by way of trade exhibits in public any infringing copy of any such work; or

(*e*) imports for sale or hire into Mysore any infringing copy of any such work; he shall be punishable with fine which may extend to twenty rupees for every copy dealt with in contravention of this section, but not exceeding five hundred rupees in respect of the same transaction.

Possession of plates for purpose of making infringing copies.

25. If any person knowingly makes, or has in his possession, any plate for the purpose of making infringing copies of any work in which copyright subsists, or knowingly and for his private profit causes any such work to be performed in public without the consent of the owner of the copyright, he shall be punishable with fine which may extend to five hundred rupees.

Punishment on second conviction.

26. If any person, after having been previously convicted of an offence punishable under section 24 or section 25 is subsequently convicted of an offence punishable under either of these sections, he shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Power of Court to dispose of infringing copies or plates for purpose of making infringing copies.

27. (1) The Court before which any offence under this Chapter is tried may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies, or plates for the purpose of making infringing copies, be destroyed or delivered up to the owner of the copyright, or otherwise dealt with as the Court may think fit.

(2) Any person affected by an order under subsection (1) may, within thirty days of the date of such order, appeal to the Court to which appeals from the Court making the order ordinarily lie; and such appellate Court may direct that execution of the order be stayed pending consideration of the appeal.

Cognizance of offences.

28. No Court inferior to that of a Magistrate of the first class shall try any offence against this Regulation.

Saving in case of infringement by construction of building.

29. The provisions of this Chapter shall not apply to any case to which section 20 applies.

CHAPTER IV.

Supplemental Provisions.

Provisions as to notifications by Government.

30. The Government may, by notification in the Official Gazette, alter, revoke, or vary any notification issued under this Regulation, or under any enactments repealed by this Regulation, but any notification issued under this section shall not affect prejudicially any rights or interests acquired or accrued at the date when the notification comes into operation, and shall provide for the protection of such rights and interests.

Repeal.

31. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

SCHEDULE.

REPEAL OF ENACTMENTS.

(*See Section 31.*)

Year	No.	Title	Extent of Repeal
1847	XX	The Indian Copyright Act, 1847 as applied to Mysore by the Notification of the Government of India, Foreign Department No. 176, Judicial, dated the 12th September 1867.	So much as has not already been repealed.

Year	No.	Title	Extent of Repeal
1867	XXV.	The Press and Registration of Books Act, 1867, as applied to Mysore by the Notification of the Government of India, Foreign Department, No. 176, Judicial, dated the 12th September 1867.	In Section 18 the following words, namely:— "Every registration under this Section shall, upon payment of the sum of two rupees to the officer keeping the said Catalogue be deemed to be an entry in the Book of Registry kept under Act No. XX of 1847 (for the encouragement of learning in the territories subject to the Government of the East India Company by defining and providing for the enforcement of the right called copyright therein); and the provisions contained in that Act as to the said Book of Registry shall apply *mutatis mutandis* to the said Catalogue."

M. N. KRISHNA RAO,
Dewan.